

MATTHEW M. BRACKEN 10267
County Attorney
MARK L. BRADBURY 9352
Deputy County Attorney
Office of the County Attorney
4444 Rice Street, Suite 220
Līhu‘e, Hawai‘i 96766
Telephone: (808) 241-4930
Facsimile: (808) 241-6319
E-Mail: mbracken@kauai.gov
mbradbury@kauai.gov

Attorneys for Defendants
DEREK KAWAKAMI, ARRYL
KANESHIRO and COUNTY OF KAUA‘I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAWAIIAN KINGDOM,)	CIVIL NO. CV21-00243 LEK-RT
)	(Other Civil Rights)
Plaintiff,)	
)	DEFENDANTS DEREK
vs.)	KAWAKAMI, ARRYL KANESHIRO
)	AND COUNTY OF KAUA‘I’S
JOSEPH ROBINETTE BIDEN JR.,)	MOTION TO DISMISS PLAINTIFF’S
in his official capacity as President of)	COMPLAINT FOR DECLARATORY
the United States; KAMALA)	AND INJUNCTIVE RELIEF FILED
HARRIS, in her official capacity as)	ON MAY 20, 2021 [ECF NO. 1];
Vice-President and President of the)	MEMORANDUM IN SUPPORT OF
United States Senate; ADMIRAL)	MOTION; EXHIBIT A;
JOHN AQUILINO, in his official)	CERTIFICATE OF SERVICE
capacity a Commander, U.S. Indo-)	
Pacific Command; et al.,)	<u>District Judge</u> : Hon. Leslie E.
)	Kobayashi
Defendants.)	
)	<u>Magistrate Judge</u> : Hon. Rom A. Trader
)	
)	<u>No Trial Date Set</u>

**DEFENDANTS DEREK KAWAKAMI, ARRYL KANESHIRO
AND COUNTY OF KAUA'I'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF FILED ON MAY 20, 2021 [ECF NO. 1]**

COMES NOW, Defendants DEREK KAWAKAMI, in his official capacity as Mayor of the County of Kaua'i ("Mayor Kawakami"), ARRYL KANESHIRO, in his official capacity as Chair of the Kaua'i County Council ("Chair Kaneshiro") and COUNTY OF KAUA'I ("County") (collectively referred to as "County Defendants"), by and through their undersigned attorneys hereby file this Motion to Dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief filed on May 20, 2021 [ECF No. 1] ("Complaint") pursuant to Rule 7 of the Federal Rules of Civil Procedure ("FRCP") and Rule 7.1 of the Local Rules of Practice for the United States District Court for the District of Hawai'i ("LR").

The motion to dismiss is made on the following grounds: (1) this Court lacks subject matter jurisdiction as required by FRCP 12(b)(1); and (2) Plaintiff HAWAIIAN KINGDOM ("Kingdom") has failed to state facts entitling it to the relief it requests as required by FRCP 12(b)(6). This motion is based on the record and files herein, argument of counsel, and any evidence adduced during the hearing on this motion.

Hawai'i District Local Rule 7.8 Compliance

This motion is made following the conference of counsel pursuant to LR 7.8 which took place on June 24, 2021.

DATED: Līhu‘e, Kaua‘i, Hawai‘i, July 1, 2021.

MATTHEW M. BRACKEN
County Attorney

/s/ Mark L. Bradbury
MARK L. BRADBURY
Deputy County Attorney

Attorneys for Defendants
DEREK KAWAKAMI, ARRYL
KANESHIRO, and COUNTY OF
KAUA‘I